

AMENDED IN SENATE MAY 19, 2011

AMENDED IN SENATE MAY 11, 2011

SENATE BILL

No. 943

Introduced by Committee on Business, Professions and Economic Development (Senators Price (Chair), Corbett, Correa, Emmerson, Hernandez, Negrete McLeod, Vargas, Walters, and Wyland)

March 31, 2011

An act to amend Sections 1916, 1918, 1922, 1927, 1950, 1952, 1955, 1957, 1959, 1961, 1962, 1963, 1966.1, 2736.5, 2836.2, 2936, 3519, 3575, 4200, 4836.1, 4980.36, 4980.37, 4980.40.5, 4980.42, 4980.45, 4982.25, 4989.54, 4990.38, 4992.3, 4992.36, 4996.13, 4996.24, 4999.12, and 4999.90 of, to add Sections 1902.1, 4999.91, and 4999.455 to, and to repeal Section 1945 of, the Business and Professions Code, relating to healing arts.

LEGISLATIVE COUNSEL'S DIGEST

SB 943, as amended, Committee on Business, Professions and Economic Development. Healing arts.

Existing law provides for the licensure and regulation of various healing arts licensees by boards within the Department of Consumer Affairs.

(1) Existing law, the Dental Practice Act, provides for the licensure and regulation of registered dental hygienists, registered dental hygienists in alternative practice, and registered dental hygienists in extended functions by the Dental Hygiene Committee of California within the Dental Board of California.

Existing law requires applicants for licensure to provide fingerprint images for submission to governmental agencies, in order to, among

other things, establish the identity of the applicant. ~~Existing law requires the committee to submit these fingerprint images to the Department of Justice in order to obtain specified criminal offender record information.~~

~~This bill would delete that committee submittal requirement and~~ would require applicants to submit electronic fingerprint images.

Existing law requires the committee to license as a registered dental hygienist in extended functions or a registered dental hygienist in alternative practice a person who meets certain educational, training, and examination requirements.

This bill would additionally require these applicants to complete an application and pay required application fees.

Under existing law, a licensee may have his or her license revoked or suspended, or may be reprimanded or placed on probation by the committee, for conviction of a crime substantially related to the licensee's qualifications, functions, or duties. Existing law authorizes the committee to order a license suspended or revoked or to decline to issue a license if certain procedural events occur.

This bill would additionally authorize the committee to reprimand a licensee or order a license placed on probation.

Under existing law, a licensee or health care facility that fails to comply with a specified request from the committee for a patient's dental hygiene records is subject to a \$250 per day civil penalty for each day that the records have not been produced, as specified.

This bill would additionally require licensees and health care facilities to comply with a request for a patient's dental records and would make them subject to a civil or administrative penalty or fine up to a maximum of \$250 per day for each day that the records have not been produced, as specified.

(2) Existing law, the Nursing Practice Act, provides for the licensure and regulation of registered nurses by the Board of Registered Nursing.

Existing law requires applicants for licensure as a registered nurse to meet certain educational requirements, to have completed specified courses of instruction, and to not be subject to denial of licensure under specified circumstances. Existing law authorizes applicants who have served on active duty in the medical corps in the United States Armed Forces to submit a record of specified training to the board for evaluation in order to satisfy the courses of instruction requirement. Under existing law, if the applicant satisfies the other general licensure requirements and if the board determines that both education and experience establish

competency to practice registered nursing, the applicant shall be granted a license upon passing a certain examination.

This bill would limit that board determination to be based on education only.

(3) Existing law, the Physician Assistant Practice Act, provides for the licensure and regulation of physician assistants by the Physician Assistant Committee. Existing law requires the committee to issue a license to a physician assistant applicant who, among other things, provides evidence of either successful completion of an approved program, as defined, or a resident course of professional instruction meeting certain requirements.

This bill would instead require applicants to provide evidence of successful completion of an approved program, as defined.

(4) Existing law provides for the registration and regulation of polysomnographic technologists by the Medical Board of California. Existing law requires the board to promulgate regulations relative to the qualifications for the registration of individuals as certified polysomnographic technologists. Existing law specifies that the qualifications for a certified polysomnographic technologist includes meeting certain educational requirements and the passage of a national certifying examination. Existing law authorizes, for a specified period, the examination requirement to be satisfied if the applicant submits proof that he or she has been practicing polysomnography for at least 5 years, as specified.

This bill would authorize, for a specified period, all of these qualifications to be satisfied if the applicant submits proof that he or she has been practicing polysomnography for at least 5 years, as specified.

(5) Existing law, the Veterinary Medicine Practice Act, until January 1, 2012, authorizes a registered veterinary technician and an unregistered assistant to administer a drug, including, but not limited to, a drug that is a controlled substance, except for the induction of anesthesia, under the direct or indirect supervision of a licensed veterinarian when done pursuant to the order, control, and full professional responsibility of the veterinarian.

This bill would extend the operation of that provision to January 1, 2013.

(6) Under existing law, the Board of Behavioral Sciences is responsible for the licensure, registration, and regulation of, among

others, marriage and family therapists, licensed clinical social workers, and licensed professional clinical counselors.

(A) Existing law, the Marriage and Family Therapist Act, provides for the licensure and regulation of marriage and family therapists and makes a violation of the act a crime. Existing law, with respect to marriage and family therapists and marriage and family therapist interns, requires an applicant to possess a doctoral or master's degree in any of various disciplines, including, but not limited to, marriage, family, and child counseling.

This bill would add couple and family therapy to that list of acceptable disciplines.

Existing law requires that degree to contain a specified number of units of instruction that includes practicum involving direct client contact of a specified number of hours of face-to-face experience counseling individuals, couples, families, or groups and authorizes a portion of those hours to be gained performing client centered advocacy, as defined.

This bill would revise and recast that requirement and would authorize that portion of hours to be gained performing either client centered advocacy or face-to-face experience counseling individuals, couples, families, or groups.

Existing law authorizes a licensed professional in private practice meeting certain requirements to supervise or employ no more than a total of 2 individuals registered as either a marriage and family therapist intern or associate clinical social worker.

This bill would authorize such a licensed professional to supervise or employ no more than a total of 3 individuals and would add clinical counsel interns to that list. Because the bill would change the definition of a crime, it would thereby impose a state-mandated local program.

Under existing law, a marriage and family therapy corporation may employ no more than a total of 2 individuals registered as either a marriage and family therapist intern or associate clinical social worker for each employee. Existing law prohibits the corporation from employing more than 10 individuals registered as either a marriage and family therapist intern or associate clinical social worker.

This bill would authorize the corporation to employ no more than a total of 3 individuals and would add clinical counsel interns to that list. The bill would also authorize the corporation to employ no more than 15 registrants and would include clinical counsel interns.

(B) The Clinical Social Worker Practice Act provides for the licensure and regulation of social workers and makes a violation of the act a crime. Under existing law, qualified members of other professional groups may do work of a psychosocial nature consistent with the standards and ethics of their respective professions.

This bill would specify that licensed professional clinical counselors may do such work.

Existing law authorizes a licensee in private practice meeting certain requirements to supervise or employ no more than a total of 2 individuals registered as either a marriage and family therapist intern or associate clinical social worker.

This bill would authorize that licensed professional to supervise or employ no more than a total of 3 individuals and would add clinical counsel interns to that list.

Under existing law, a licensed clinical social workers' corporation may employ no more than a total of 2 individuals registered as either a marriage and family therapist intern or associate clinical social worker for each employee who has satisfied certain requirements. Existing law prohibits the corporation from employing more than 10 individuals registered as either a marriage and family therapist intern or associate clinical social worker.

This bill would authorize the corporation to employ no more than a total of 3 individuals and would add clinical counsel interns to that list. The bill would also authorize the corporation to employ no more than 15 registrants and would include clinical counsel interns.

By changing the definition of crimes, the bill would impose a state-mandated local program.

(C) Existing law, the Licensed Professional Clinical Counselor Act, provides for the licensure and regulation of professional clinical counselors and makes a violation of the act a crime. Existing law generally authorizes the board to take certain enforcement actions against licensees for a violation of the act.

This bill would authorize the board to deny any application, or to suspend or revoke any license or registration, for specified reasons.

The bill would also authorize a licensee in private practice meeting certain requirements to supervise or employ no more than a total of 3 individuals registered as a marriage and family therapist intern, clinical counselor intern, or associate clinical social worker. The bill would authorize professional clinical counselor corporation to employ no more than a total of 3 individuals registered as a marriage and family therapist

intern, clinical counselor intern, or associate clinical social worker for each employee. The bill would prohibit the corporation from employing more than 15 individuals registered as a marriage and family therapist intern, clinical counselor intern, or associate clinical social worker. Because a violation of these requirements would constitute a crime, the bill would impose a state-mandated local program.

The bill would make other conforming and technical changes, including technical changes to the Psychology Licensing Law and the Pharmacy Law.

(7) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1902.1 is added to the Business and
2 Professions Code, to read:

3 1902.1. Protection of the public shall be the highest priority
4 for the committee in exercising its licensing, regulatory, and
5 disciplinary functions. Whenever the protection of the public is
6 inconsistent with other interests sought to be promoted, the
7 protection of the public shall be paramount.

8 SEC. 2. Section 1916 of the Business and Professions Code is
9 amended to read:

10 1916. (a) An applicant for licensure under this article shall
11 furnish electronic fingerprint images for submission to state and
12 federal criminal justice agencies, including, but not limited to, the
13 Federal Bureau of Investigation, in order to establish the identity
14 of the applicant and for the other purposes described in this section.

15 (b) *The committee shall submit the fingerprint images to the*
16 *Department of Justice for the purposes of obtaining criminal*
17 *offender record information regarding state and federal level*
18 *convictions and arrests, including arrests for which the Department*
19 *of Justice establishes that the person is free on bail or on his or*
20 *her own recognizance pending trial or appeal.*

21 (b)

1 (c) When received, the Department of Justice shall forward to
2 the Federal Bureau of Investigation requests for federal summary
3 criminal history information received pursuant to this section. The
4 Department of Justice shall review the information returned from
5 the Federal Bureau of Investigation and compile and disseminate
6 the response to the committee.

7 ~~(e)~~

8 (d) The Department of Justice shall provide a response to the
9 committee pursuant to subdivision (p) of Section 11105 of the
10 Penal Code.

11 ~~(d)~~

12 (e) The committee shall request from the Department of Justice
13 subsequent arrest notification service, as provided pursuant to
14 Section 11105.2 of the Penal Code.

15 ~~(e)~~

16 (f) The information obtained as a result of the fingerprinting
17 shall be used in accordance with Section 11105 of the Penal Code,
18 and to determine whether the applicant is subject to denial of
19 licensure pursuant to Division 1.5 (commencing with Section 475)
20 or Section 1943.

21 (g) *The Department of Justice shall charge a fee sufficient to*
22 *cover the cost of processing the request described in this section.*

23 SEC. 3. Section 1918 of the Business and Professions Code is
24 amended to read:

25 1918. The committee shall license as a registered dental
26 hygienist in extended functions a person who meets all of the
27 following requirements:

28 (a) Holds a current license as a registered dental hygienist in
29 California.

30 (b) Completes clinical training approved by the committee in a
31 facility affiliated with a dental school under the direct supervision
32 of the dental school faculty.

33 (c) Performs satisfactorily on an examination required by the
34 committee.

35 (d) Completes an application form and pays all application fees
36 required by the committee.

37 SEC. 4. Section 1922 of the Business and Professions Code is
38 amended to read:

39 1922. The committee shall license as a registered dental
40 hygienist in alternative practice a person who demonstrates

1 satisfactory performance on an examination in California law and
2 ethics required by the committee and who completes an application
3 form and pays all application fees required by the committee and
4 meets either of the following requirements:

5 (a) Holds a current California license as a registered dental
6 hygienist and meets the following requirements:

7 (1) Has been engaged in the practice of dental hygiene, as
8 defined in Section 1908, as a registered dental hygienist in any
9 setting, including, but not limited to, educational settings and public
10 health settings, for a minimum of 2,000 hours during the
11 immediately preceding 36 months.

12 (2) Has successfully completed a bachelor's degree or its
13 equivalent from a college or institution of higher education that is
14 accredited by a national or regional accrediting agency recognized
15 by the United States Department of Education, and a minimum of
16 150 hours of additional educational requirements, as prescribed
17 by the committee by regulation, that are consistent with good dental
18 and dental hygiene practice, including, but not necessarily limited
19 to, dental hygiene technique and theory including gerontology and
20 medical emergencies, and business administration and practice
21 management.

22 (b) Has received a letter of acceptance into the employment
23 utilization phase of the Health Manpower Pilot Project No. 155
24 established by the Office of Statewide Health Planning and
25 Development pursuant to Article 1 (commencing with Section
26 128125) of Chapter 3 of Part 3 of Division 107 of the Health and
27 Safety Code.

28 SEC. 5. Section 1927 of the Business and Professions Code is
29 amended to read:

30 1927. A registered dental hygienist in alternative practice shall
31 not do any of the following:

32 (a) Infer, purport, advertise, or imply that he or she is in any
33 way able to provide dental services or make any type of dental
34 diagnosis beyond evaluating a patient's dental hygiene status,
35 providing a dental hygiene treatment plan, and providing the
36 associated dental hygiene services.

37 (b) Hire a registered dental hygienist to provide direct patient
38 services other than a registered dental hygienist in alternative
39 practice.

1 SEC. 6. Section 1945 of the Business and Professions Code is
2 repealed.

3 SEC. 7. Section 1950 of the Business and Professions Code is
4 amended to read:

5 1950. (a) A licensee may have his or her license revoked or
6 suspended, or may be reprimanded or placed on probation by the
7 committee, for conviction of a crime substantially related to the
8 licensee's qualifications, functions, or duties. The record of
9 conviction or a copy certified by the clerk of the court or by the
10 judge in whose court the conviction occurred shall be conclusive
11 evidence of conviction.

12 (b) The committee shall undertake proceedings under this section
13 upon the receipt of a certified copy of the record of conviction. A
14 plea or verdict of guilty or a conviction following a plea of nolo
15 contendere made to a charge of a felony or of any misdemeanor
16 substantially related to the licensee's qualifications, functions, or
17 duties is deemed to be a conviction within the meaning of this
18 section.

19 (c) The committee may reprimand a licensee or order a license
20 suspended or revoked, or placed on probation or may decline to
21 issue a license, when any of the following occur:

22 (1) The time for appeal has elapsed.

23 (2) The judgment of conviction has been affirmed on appeal.

24 (3) An order granting probation is made suspending the
25 imposition of sentence, irrespective of a subsequent order under
26 any provision of the Penal Code, including, but not limited to,
27 Section 1203.4 of the Penal Code, allowing a person to withdraw
28 his or her plea of guilty and to enter a plea of not guilty, or setting
29 aside the verdict of guilty, or dismissing the accusation,
30 information, or indictment.

31 SEC. 8. Section 1952 of the Business and Professions Code is
32 amended to read:

33 1952. It is unprofessional conduct for a person licensed under
34 this article to do any of the following:

35 (a) Obtain or possess in violation of law, or except as directed
36 by a licensed physician and surgeon, dentist, or podiatrist, a
37 controlled substance, as defined in Division 10 (commencing with
38 Section 11000) of the Health and Safety Code, or any dangerous
39 drug as defined in Section 4022.

(b) Use a controlled substance, as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or a dangerous drug as defined in Section 4022, or alcoholic beverages or other intoxicating substances, to an extent or in a manner dangerous or injurious to himself or herself, to any person, or the public to the extent that the use impairs the licensee's ability to conduct with safety to the public the practice authorized by his or her license.

(c) Be convicted of a charge of violating any federal statute or rules, or any statute or rule of this state, regulating controlled substances, as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug, as defined in Section 4022, or be convicted of more than one misdemeanor, or any felony, involving the use or consumption of alcohol or drugs, if the conviction is substantially related to the practice authorized by his or her license.

(1) The record of conviction or a copy certified by the clerk of the court or by the judge in whose court the conviction is had, shall be conclusive evidence of a violation of this section. A plea or verdict of guilty or a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning of this section.

(2) The committee may order the license suspended or revoked, or may decline to issue a license, when the time for appeal has elapsed or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending imposition of sentence, irrespective of a subsequent order under any provision of the Penal Code, including, but not limited to, Section 1203.4 of the Penal Code, allowing a person to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or indictment.

SEC. 9. Section 1955 of the Business and Professions Code is amended to read:

1955. (a) (1) A licensee who fails or refuses to comply with a request for a patient's dental or dental hygiene records that is accompanied by that patient's written authorization for release of the records to the committee, within 15 days of receiving the request and authorization, shall pay to the committee a civil or administrative penalty or fine up to a maximum of two hundred fifty dollars (\$250) per day for each day that the documents have not been produced after the 15th day, up to a maximum of five

1 thousand dollars (\$5,000) unless the licensee is unable to provide
2 the documents within this time period for good cause.

3 (2) A health care facility shall comply with a request for the
4 dental or dental hygiene records of a patient that is accompanied
5 by that patient's written authorization for release of records to the
6 committee together with a notice citing this section and describing
7 the penalties for failure to comply with this section. Failure to
8 provide the authorizing patient's dental hygiene records to the
9 committee within 30 days of receiving this request, authorization,
10 and notice shall subject the health care facility to a civil or
11 administrative penalty or fine, payable to the committee, of up to
12 a maximum of two hundred fifty dollars (\$250) per day for each
13 day that the documents have not been produced after the 30th day,
14 up to a maximum of five thousand dollars (\$5,000), unless the
15 health care facility is unable to provide the documents within this
16 time period for good cause. This paragraph shall not require health
17 care facilities to assist the committee in obtaining the patient's
18 authorization. The committee shall pay the reasonable cost of
19 copying the dental hygiene records.

20 (b) (1) A licensee who fails or refuses to comply with a court
21 order issued in the enforcement of a subpoena mandating the
22 release of records to the committee shall pay to the committee a
23 civil penalty of one thousand dollars (\$1,000) per day for each day
24 that the documents have not been produced after the date by which
25 the court order requires the documents to be produced, unless it is
26 determined that the order is unlawful or invalid. Any statute of
27 limitations applicable to the filing of an accusation by the
28 committee shall be tolled during the period the licensee is out of
29 compliance with the court order and during any related appeals.

30 (2) A licensee who fails or refuses to comply with a court order
31 issued in the enforcement of a subpoena mandating the release of
32 records to the committee is guilty of a misdemeanor punishable
33 by a fine payable to the committee not to exceed five thousand
34 dollars (\$5,000). The fine shall be added to the licensee's renewal
35 fee if it is not paid by the next succeeding renewal date. Any statute
36 of limitations applicable to the filing of an accusation by the
37 committee shall be tolled during the period the licensee is out of
38 compliance with the court order and during any related appeals.

39 (3) A health care facility that fails or refuses to comply with a
40 court order issued in the enforcement of a subpoena mandating

1 the release of patient records to the committee, that is accompanied
2 by a notice citing this section and describing the penalties for
3 failure to comply with this section, shall pay to the committee a
4 civil penalty of up to one thousand dollars (\$1,000) per day for
5 each day that the documents have not been produced, up to ten
6 thousand dollars (\$10,000), after the date by which the court order
7 requires the documents to be produced, unless it is determined that
8 the order is unlawful or invalid. Any statute of limitations
9 applicable to the filing of an accusation by the committee against
10 a licensee shall be tolled during the period the health care facility
11 is out of compliance with the court order and during any related
12 appeals.

13 (4) A health care facility that fails or refuses to comply with a
14 court order, issued in the enforcement of a subpoena, mandating
15 the release of records to the committee is guilty of a misdemeanor
16 punishable by a fine payable to the committee not to exceed five
17 thousand dollars (\$5,000). Any statute of limitations applicable to
18 the filing of an accusation by the committee against a licensee
19 shall be tolled during the period the health care facility is out of
20 compliance with the court order and during any related appeals.

21 (c) Multiple acts by a licensee in violation of subdivision (b)
22 shall be punishable by a fine not to exceed five thousand dollars
23 (\$5,000) or by imprisonment in a county jail not exceeding six
24 months, or by both that fine and imprisonment. Multiple acts by
25 a health care facility in violation of subdivision (b) shall be
26 punishable by a fine not to exceed five thousand dollars (\$5,000)
27 and shall be reported to the State Department of Public Health and
28 shall be considered as grounds for disciplinary action with respect
29 to licensure, including suspension or revocation of the license or
30 permit.

31 (d) A failure or refusal to comply with a court order issued in
32 the enforcement of a subpoena mandating the release of records
33 to the committee constitutes unprofessional conduct and is grounds
34 for suspension or revocation of his or her license.

35 (e) Imposition of the civil or administrative penalties authorized
36 by this section shall be in accordance with the Administrative
37 Procedure Act (Chapter 5 (commencing with Section 11500) of
38 Division 3 of Title 2 of the Government Code).

39 (f) For the purposes of this section, a “health care facility” means
40 a clinic or health care facility licensed or exempt from licensure

1 pursuant to Division 2 (commencing with Section 1200) of the
2 Health and Safety Code.

3 SEC. 10. Section 1957 of the Business and Professions Code
4 is amended to read:

5 1957. (a) A person whose license has been revoked or
6 suspended, who has been placed on probation, or whose license
7 was surrendered pursuant to a stipulated settlement as a condition
8 to avoid a disciplinary administrative hearing, may petition the
9 committee for reinstatement or modification of the penalty,
10 including modification or termination of probation, after a period
11 of not less than the following minimum periods have elapsed from
12 the effective date of the decision ordering disciplinary action:

13 (1) At least three years for reinstatement of a license revoked
14 for unprofessional conduct or surrendered pursuant to a stipulated
15 settlement as a condition to avoid an administrative disciplinary
16 hearing.

17 (2) At least two years for early termination, or modification of
18 a condition, of a probation of three years or more.

19 (3) At least one year for modification of a condition, or
20 reinstatement of a license revoked for mental or physical illness,
21 or termination, or modification of a condition, of a probation of
22 less than three years.

23 (b) The petition shall state any fact required by the committee.

24 (c) The petition may be heard by the committee, or the
25 committee may assign the petition to an administrative law judge
26 designated in Section 11371 of the Government Code.

27 (d) In considering reinstatement or modification or penalty, the
28 committee or the administrative law judge hearing the petition
29 may consider the following:

30 (1) All activities of the petitioner since the disciplinary action
31 was taken.

32 (2) The offense for which the petitioner was disciplined.

33 (3) The petitioner's activities during the time the license or
34 permit was in good standing.

35 (4) The petitioner's rehabilitative efforts, general reputation for
36 truth, and professional ability.

37 (e) The hearing may be continued from time to time as the
38 committee or the administrative law judge as designated in Section
39 11371 of the Government Code finds necessary.

(f) The committee or the administrative law judge may impose necessary terms and conditions on the licentiate in reinstating a license or permit or modifying a penalty.

(g) A petition shall not be considered while the petitioner is under sentence for any criminal offense, including any period during which the petitioner is on court-imposed probation or parole.

(h) A petition shall not be considered while there is an accusation or petition to revoke probation pending against the person.

(i) The committee may deny without a hearing or argument any petition filed pursuant to this section within a period of two years from the effective date of the prior decision following a hearing under this section. Nothing in this section shall be deemed to alter Sections 822 and 823.

SEC. 11. Section 1959 of the Business and Professions Code is amended to read:

1959. A person who holds a valid, unrevoked, and unsuspended license as a registered dental hygienist, registered dental hygienist in alternative practice, or registered dental hygienist in extended functions under this article may append the letters “~~R.D.H.~~RDH,” “R.D.H.A.P.,” or “R.D.H.E.F.,” respectively, to his or her name.

SEC. 12. Section 1961 of the Business and Professions Code is amended to read:

1961. A person who willfully, under circumstances that cause risk of bodily harm, serious physical or mental illness, or death, practices, attempts to practice, advertises, or holds himself or herself out as practicing dental hygiene without having at the time of so doing a valid, unrevoked, and unsuspended license as provided in this article, is guilty of a crime, punishable by imprisonment in a county jail for up to one year. The remedy provided in this section shall not preclude any other remedy provided by law.

SEC. 13. Section 1962 of the Business and Professions Code is amended to read:

1962. (a) An association, partnership, corporation, or group of three or more registered dental hygienists in alternative practice engaging in practice under a name that would otherwise be in violation of Section 1960 may practice under that name if the association, partnership, corporation, or group holds an unexpired,

1 unsuspended, and unrevoked permit issued by the committee under
2 this section.

3 (b) An individual registered dental hygienist in alternative
4 practice or a pair of registered dental hygienists in alternative
5 practice who practice dental hygiene under a name that would
6 otherwise violate Section 1960 may practice under that name if
7 the licensees hold a valid permit issued by the committee under
8 this section. The committee shall issue a written permit authorizing
9 the holder to use a name specified in the permit in connection with
10 the holder's practice if the committee finds all of the following:

11 (1) The applicant or applicants are duly licensed registered
12 dental hygienists in alternative practice.

13 (2) The place where the applicant or applicants practice is owned
14 or leased by the applicant or applicants, and the practice conducted
15 at the place is wholly owned and entirely controlled by the
16 applicant or applicants and is an approved area or practice setting
17 pursuant to Section 1926.

18 (3) The name under which the applicant or applicants propose
19 to operate contains at least one of the following designations:
20 "dental hygiene group," "dental hygiene practice," or "dental
21 hygiene office," contains the family name of one or more of the
22 past, present, or prospective associates, partners, shareholders, or
23 members of the group, and is in conformity with Section 651 and
24 not in violation of subdivisions (i) and (l) of Section 1950.5.

25 (4) All licensed persons practicing at the location designated in
26 the application hold valid licenses and no charges of unprofessional
27 conduct are pending against any person practicing at that location.

28 (c) A permit issued under this section shall expire and become
29 invalid unless renewed in the manner provided for in this article
30 for the renewal of permits issued under this article.

31 (d) A permit issued under this section may be revoked or
32 suspended if the committee finds that any requirement for original
33 issuance of a permit is no longer being fulfilled by the
34 permitholder. Proceedings for revocation or suspension shall be
35 governed by the Administrative Procedure Act.

36 (e) If charges of unprofessional conduct are filed against the
37 holder of a permit issued under this section, or a member of an
38 association, partnership, group, or corporation to whom a permit
39 has been issued under this section, proceedings shall not be
40 commenced for revocation or suspension of the permit until a final

1 determination of the charges of unprofessional conduct, unless the
2 charges have resulted in revocation or suspension of a license.

3 SEC. 14. Section 1963 of the Business and Professions Code
4 is amended to read:

5 1963. The committee may file a complaint for violation of any
6 part of this article with any court of competent jurisdiction and
7 may, by its officers, counsel and agents, assist in presenting the
8 law or facts at the trial. The district attorney of each county in this
9 state shall prosecute all violations of this article in their respective
10 counties in which the violations occur.

11 SEC. 15. Section 1966.1 of the Business and Professions Code
12 is amended to read:

13 1966.1. (a) The committee shall establish criteria for the
14 acceptance, denial, or termination of licensees in a diversion
15 program. Unless ordered by the committee as a condition of a
16 licensee's disciplinary probation, only those licensees who have
17 voluntarily requested diversion treatment and supervision by a
18 diversion evaluation committee shall participate in a diversion
19 program.

20 (b) A licensee who is not the subject of a current investigation
21 may self-refer to the diversion program on a confidential basis,
22 except as provided in subdivision (f).

23 (c) A licensee under current investigation by the committee may
24 also request entry into a diversion program by contacting the
25 committee. The committee may refer the licensee requesting
26 participation in the program to a diversion evaluation committee
27 for evaluation of eligibility. Prior to authorizing a licensee to enter
28 into the diversion program, the committee may require the licensee,
29 while under current investigation for any violations of this article
30 or other violations, to execute a statement of understanding that
31 states that the licensee understands that his or her violations of this
32 article or other statutes, that would otherwise be the basis for
33 discipline, may still be investigated and the subject of disciplinary
34 action.

35 (d) If the reasons for a current investigation of a licensee are
36 based primarily on the self-administration of any controlled
37 substance or dangerous drugs or alcohol under Section 1951, or
38 the illegal possession, prescription, or nonviolent procurement of
39 any controlled substance or dangerous drugs for self-administration
40 that does not involve actual, direct harm to the public, the

1 committee shall close the investigation without further action if
2 the licensee is accepted into the committee's diversion program
3 and successfully completes the requirements of the program. If
4 the licensee withdraws or is terminated from the program by a
5 diversion evaluation committee, the investigation shall be reopened
6 and disciplinary action imposed, if warranted, as determined by
7 the committee.

8 (e) Neither acceptance nor participation in the diversion program
9 shall preclude the committee from investigating or continuing to
10 investigate, or taking disciplinary action or continuing to take
11 disciplinary action against, any licensee for any unprofessional
12 conduct committed before, during, or after participation in the
13 diversion program.

14 (f) All licensees shall sign an agreement of understanding that
15 the withdrawal or termination from the diversion program at a time
16 when a diversion evaluation committee determines the licensee
17 presents a threat to the public's health and safety shall result in the
18 utilization by the committee of diversion treatment records in
19 disciplinary or criminal proceedings.

20 (g) Any licensee terminated from the diversion program for
21 failure to comply with program requirements is subject to
22 disciplinary action by the committee for acts committed before,
23 during, and after participation in the diversion program. A licensee
24 who has been under investigation by the committee and has been
25 terminated from the diversion program by a diversion evaluation
26 committee shall be reported by the diversion evaluation committee
27 to the committee.

28 SEC. 16. Section 2736.5 of the Business and Professions Code
29 is amended to read:

30 2736.5. (a) Any person who has served on active duty in the
31 medical corps of any of the armed forces of the United States and
32 who has successfully completed the course of instruction required
33 to qualify him for rating as a medical service
34 technician—independent duty, or other equivalent rating in his
35 particular branch of the armed forces, and whose service in the
36 armed forces has been under honorable conditions, may submit
37 the record of such training to the board for evaluation.

38 (b) If such person meets the qualifications of paragraphs (1)
39 and (3) of subdivision (a) of Section 2736, and if the board
40 determines that his education would give reasonable assurance of

1 competence to practice as a registered nurse in this state, he shall
2 be granted a license upon passing the standard examination for
3 such licensure.

4 (c) The board shall, by regulation, establish criteria for
5 evaluating the education of applicants under this section.

6 (d) The board shall maintain records of the following categories
7 of applicants under this section:

8 (1) Applicants who are rejected for examination, and the areas
9 of such applicants' preparation which are the causes of rejection.

10 (2) Applicants who are qualified by their military education
11 alone to take the examination, and the results of their examinations.

12 (3) Applicants who are qualified to take the examination by
13 their military education plus supplementary education, and the
14 results of their examinations.

15 (e) The board shall attempt to contact by mail or other means
16 individuals meeting the requirements of subdivision (a) who have
17 been or will be discharged or separated from the armed forces of
18 the United States, in order to inform them of the application
19 procedure provided by this section. The board may enter into an
20 agreement with the federal government in order to secure the names
21 and addresses of such individuals.

22 SEC. 17. Section 2836.2 of the Business and Professions Code
23 is amended to read:

24 2836.2. Furnishing or ordering of drugs or devices by nurse
25 practitioners is defined to mean the act of making a pharmaceutical
26 agent or agents available to the patient in strict accordance with a
27 standardized procedure. All nurse practitioners who are authorized
28 pursuant to Section 2836.1 to furnish or issue drug orders for
29 controlled substances shall register with the United States Drug
30 Enforcement Administration.

31 SEC. 18. Section 2936 of the Business and Professions Code
32 is amended to read:

33 2936. The board shall adopt a program of consumer and
34 professional education in matters relevant to the ethical practice
35 of psychology. The board shall establish as its standards of ethical
36 conduct relating to the practice of psychology, the "Ethical
37 Principles and Code of Conduct" published by the American
38 Psychological Association (APA). Those standards shall be applied
39 by the board as the accepted standard of care in all licensing

1 examination development and in all board enforcement policies
2 and disciplinary case evaluations.

3 To facilitate consumers in receiving appropriate psychological
4 services, all licensees and registrants shall be required to post, in
5 a conspicuous location in their principal psychological business
6 office, a notice which reads as follows:

7
8 “NOTICE TO CONSUMERS: The Department of Consumer
9 Affair’s Board of Psychology receives and responds to questions
10 and complaints regarding the practice of psychology. If you have
11 questions or complaints, you may contact the board on the
12 Internet at www.psychboard.ca.gov, by calling 1-866-503-3221,
13 or by writing to the following address:

14 Board of Psychology

15
16
17 2005 Evergreen Street, Suite 1400
18 Sacramento, California 95815-3894”

19
20 SEC. 19. Section 3519 of the Business and Professions Code
21 is amended to read:

22 3519. The committee shall issue under the name of the Medical
23 Board of California a license to all physician assistant applicants
24 who meet all of the following requirements:

25 (a) Provide evidence of successful completion of an approved
26 program.

27 (b) Pass any examination required under Section 3517.

28 (c) Not be subject to denial of licensure under Division 1.5
29 (commencing with Section 475) or Section 3527.

30 (d) Pay all fees required under Section 3521.1.

31 SEC. 20. Section 3575 of the Business and Professions Code
32 is amended to read:

33 3575. (a) For the purposes of this chapter, the following
34 definitions shall apply:

35 (1) “Board” means the Medical Board of California.

36 (2) “Polysomnography” means the treatment, management,
37 diagnostic testing, control, education, and care of patients with
38 sleep and wake disorders. Polysomnography shall include, but not
39 be limited to, the process of analysis, monitoring, and recording
40 of physiologic data during sleep and wakefulness to assist in the

1 treatment of disorders, syndromes, and dysfunctions that are
2 sleep-related, manifest during sleep, or disrupt normal sleep
3 activities. Polysomnography shall also include, but not be limited
4 to, the therapeutic and diagnostic use of oxygen, the use of positive
5 airway pressure including continuous positive airway pressure
6 (CPAP) and bilevel modalities, adaptive servo-ventilation, and
7 maintenance of nasal and oral airways that do not extend into the
8 trachea.

9 (3) “Supervision” means that the supervising physician and
10 surgeon shall remain available, either in person or through
11 telephonic or electronic means, at the time that the
12 polysomnographic services are provided.

13 (b) (1) Within one year after the effective date of this chapter,
14 the board shall promulgate regulations relative to the qualifications
15 for the registration of individuals as certified polysomnographic
16 technologists, polysomnographic technicians, and
17 polysomnographic trainees. The qualifications for a certified
18 polysomnographic technologist shall include all of the following:

19 (A) He or she shall have valid, current credentials as a
20 polysomnographic technologist issued by a national accrediting
21 agency approved by the board.

22 (B) He or she shall have graduated from a polysomnographic
23 educational program that has been approved by the board.

24 (C) He or she shall have passed a national certifying examination
25 that has been approved by the board.

26 (2) An applicant for registration as a certified polysomnographic
27 technologist may satisfy the qualifications described in paragraph
28 (1) by submitting proof to the board that he or she has been
29 practicing polysomnography for at least five years in a manner
30 that is acceptable to the board. However, beginning three years
31 after the effective date of this chapter, all individuals seeking to
32 obtain certification as a polysomnographic technologist shall have
33 passed a national certifying examination that has been approved
34 by the board.

35 (c) In accordance with Section 144, any person seeking
36 registration from the board as a certified polysomnographic
37 technologist, a polysomnographic technician, or a
38 polysomnographic trainee shall be subject to a state and federal
39 level criminal offender record information search conducted

1 through the Department of Justice as specified in paragraphs (1)
2 to (5), inclusive, of this subdivision.

3 (1) The board shall submit to the Department of Justice
4 fingerprint images and related information required by the
5 Department of Justice of all polysomnographic technologist,
6 technician, or trainee certification candidates for the purposes of
7 obtaining information as to the existence and content of a record
8 of state or federal convictions and state or federal arrests and also
9 information as to the existence and content of a record of state or
10 federal arrests for which the Department of Justice establishes that
11 the person is free on bail or on his or her recognizance pending
12 trial or appeal.

13 (2) When received, the Department of Justice shall forward to
14 the Federal Bureau of Investigation requests for federal summary
15 criminal history information received pursuant to this subdivision.
16 The Department of Justice shall review the information returned
17 from the Federal Bureau of Investigation and compile and
18 disseminate a response to the board.

19 (3) The Department of Justice shall provide state and federal
20 responses to the board pursuant to paragraph (1) of subdivision
21 (p) of Section 11105 of the Penal Code.

22 (4) The board shall request from the Department of Justice
23 subsequent arrest notification service, pursuant to Section 11105.2
24 of the Penal Code, for persons described in this subdivision.

25 (5) The Department of Justice shall charge a fee sufficient to
26 cover the cost of processing the request described in this
27 subdivision. The individual seeking registration shall be responsible
28 for this cost.

29 (d) An individual may use the title “certified polysomnographic
30 technologist” and may engage in the practice of polysomnography
31 only under the following circumstances:

32 (1) He or she is registered with the board and has successfully
33 undergone a state and federal level criminal offender record
34 information search pursuant to subdivision (c).

35 (2) He or she works under the supervision and direction of a
36 licensed physician and surgeon.

37 (3) He or she meets the requirements of this chapter.

38 (e) Within one year after the effective date of this chapter, the
39 board shall adopt regulations that establish the means and
40 circumstances in which a licensed physician and surgeon may

1 employ polysomnographic technicians and polysomnographic
2 trainees. The board may also adopt regulations specifying the scope
3 of services that may be provided by a polysomnographic technician
4 or polysomnographic trainee. Any regulation adopted pursuant to
5 this section may specify the level of supervision that
6 polysomnographic technicians and trainees are required to have
7 when working under the supervision of a certified
8 polysomnographic technologist or licensed health care professional.

9 (f) This section shall not apply to California licensed allied
10 health professionals, including, but not limited to, respiratory care
11 practitioners, working within the scope of practice of their license.

12 (g) Nothing in this chapter shall be interpreted to authorize a
13 polysomnographic technologist, technician, or trainee to treat,
14 manage, control, educate, or care for patients other than those with
15 sleep disorders or to provide diagnostic testing for patients other
16 than those with suspected sleep disorders.

17 SEC. 21. Section 4200 of the Business and Professions Code
18 is amended to read:

19 4200. (a) The board may license as a pharmacist an applicant
20 who meets all the following requirements:

21 (1) Is at least 18 years of age.

22 (2) (A) Has graduated from a college of pharmacy or
23 department of pharmacy of a university recognized by the board;
24 or

25 (B) If the applicant graduated from a foreign pharmacy school,
26 the foreign-educated applicant has been certified by the Foreign
27 Pharmacy Graduate Examination Committee.

28 (3) Has completed at least 150 semester units of collegiate study
29 in the United States, or the equivalent thereof in a foreign country.
30 No less than 90 of those semester units shall have been completed
31 while in resident attendance at a school or college of pharmacy.

32 (4) Has earned at least a baccalaureate degree in a course of
33 study devoted to the practice of pharmacy.

34 (5) Has completed 1,500 hours of pharmacy practice experience
35 or the equivalent in accordance with Section 4209.

36 (6) Has passed the North American Pharmacist Licensure
37 Examination and the California Practice Standards and
38 Jurisprudence Examination for Pharmacists on or after January 1,
39 2004.

1 (b) Proof of the qualifications of an applicant for licensure as a
2 pharmacist shall be made to the satisfaction of the board and shall
3 be substantiated by affidavits or other evidence as may be required
4 by the board.

5 (c) Each person, upon application for licensure as a pharmacist
6 under this chapter, shall pay to the executive officer of the board
7 the fees provided by this chapter. The fees shall be compensation
8 to the board for investigation or examination of the applicant.

9 SEC. 22. Section 4836.1 of the Business and Professions Code
10 is amended to read:

11 4836.1. (a) Notwithstanding any other provision of law, a
12 registered veterinary technician or an unregistered assistant may
13 administer a drug, including, but not limited to, a drug that is a
14 controlled substance, under the direct or indirect supervision of a
15 licensed veterinarian when done pursuant to the order, control,
16 and full professional responsibility of a licensed veterinarian.
17 However, no person, other than a licensed veterinarian, may induce
18 anesthesia unless authorized by regulation of the board.

19 (b) For purposes of this section, the following definitions apply:

20 (1) “Controlled substance” has the same meaning as that term
21 is defined in Section 11007 of the Health and Safety Code.

22 (2) “Direct supervision” has the same meaning as that term is
23 defined in subdivision (e) of Section 2034 of Title 16 of the
24 California Code of Regulations.

25 (3) “Drug” has the same meaning as that term is defined in
26 Section 11014 of the Health and Safety Code.

27 (4) “Indirect supervision” has the same meaning as that term is
28 defined in subdivision (f) of Section 2034 of Title 16 of the
29 California Code of Regulations.

30 (c) This section shall remain in effect until January 1, 2013, and
31 as of that date is repealed, unless a later enacted statute, which is
32 enacted before January 1, 2013, deletes or extends that date.

33 SEC. 23. Section 4980.36 of the Business and Professions
34 Code is amended to read:

35 4980.36. (a) This section shall apply to the following:

36 (1) Applicants for licensure or registration who begin graduate
37 study before August 1, 2012, and do not complete that study on
38 or before December 31, 2018.

1 (2) Applicants for licensure or registration who begin graduate
2 study before August 1, 2012, and who graduate from a degree
3 program that meets the requirements of this section.

4 (3) Applicants for licensure or registration who begin graduate
5 study on or after August 1, 2012.

6 (b) To qualify for a license or registration, applicants shall
7 possess a doctor's or master's degree meeting the requirements of
8 this section in marriage, family, and child counseling, marriage
9 and family therapy, couple and family therapy, psychology, clinical
10 psychology, counseling psychology, or counseling with an
11 emphasis in either marriage, family, and child counseling or
12 marriage and family therapy, obtained from a school, college, or
13 university approved by the Bureau for Private Postsecondary
14 Education or accredited by either the Commission on the
15 Accreditation of Marriage and Family Therapy Education or a
16 regional accrediting agency recognized by the United States
17 Department of Education. The board has the authority to make the
18 final determination as to whether a degree meets all requirements,
19 including, but not limited to, course requirements, regardless of
20 accreditation or approval.

21 (c) A doctor's or master's degree program that qualifies for
22 licensure or registration shall do the following:

23 (1) Integrate all of the following throughout its curriculum:

24 (A) Marriage and family therapy principles.

25 (B) The principles of mental health recovery-oriented care and
26 methods of service delivery in recovery-oriented practice
27 environments, among others.

28 (C) An understanding of various cultures and the social and
29 psychological implications of socioeconomic position, and an
30 understanding of how poverty and social stress impact an
31 individual's mental health and recovery.

32 (2) Allow for innovation and individuality in the education of
33 marriage and family therapists.

34 (3) Encourage students to develop the personal qualities that
35 are intimately related to effective practice, including, but not
36 limited to, integrity, sensitivity, flexibility, insight, compassion,
37 and personal presence.

38 (4) Permit an emphasis or specialization that may address any
39 one or more of the unique and complex array of human problems,

1 symptoms, and needs of Californians served by marriage and
2 family therapists.

3 (5) Provide students with the opportunity to meet with various
4 consumers and family members of consumers of mental health
5 services to enhance understanding of their experience of mental
6 illness, treatment, and recovery.

7 (d) The degree described in subdivision (b) shall contain no less
8 than 60 semester or 90 quarter units of instruction that includes,
9 but is not limited to, the following requirements:

10 (1) Both of the following:

11 (A) No less than 12 semester or 18 quarter units of coursework
12 in theories, principles, and methods of a variety of
13 psychotherapeutic orientations directly related to marriage and
14 family therapy and marital and family systems approaches to
15 treatment and how these theories can be applied therapeutically
16 with individuals, couples, families, adults, including elder adults,
17 children, adolescents, and groups to improve, restore, or maintain
18 healthy relationships.

19 (B) Practicum that involves direct client contact, as follows:

20 (i) A minimum of six semester or nine quarter units of practicum
21 in a supervised clinical placement that provides supervised
22 fieldwork experience.

23 (ii) A minimum of 150 hours of face-to-face experience
24 counseling individuals, couples, families, or groups.

25 (iii) A student must be enrolled in a practicum course while
26 counseling clients.

27 (iv) The practicum shall provide training in all of the following
28 areas:

29 (I) Applied use of theory and psychotherapeutic techniques.

30 (II) Assessment, diagnosis, and prognosis.

31 (III) Treatment of individuals and premarital, couple, family,
32 and child relationships, including trauma and abuse, dysfunctions,
33 healthy functioning, health promotion, illness prevention, and
34 working with families.

35 (IV) Professional writing, including documentation of services,
36 treatment plans, and progress notes.

37 (V) How to connect people with resources that deliver the
38 quality of services and support needed in the community.

39 (v) Educational institutions are encouraged to design the
40 practicum required by this subparagraph to include marriage and

- 1 family therapy experience in low-income and multicultural mental
2 health settings.
- 3 (vi) In addition to the 150 hours required in clause (ii), 75 hours
4 of either of the following:
- 5 (I) Client-centered advocacy, as defined in Section 4980.03.
6 (II) Face-to-face experience counseling individuals, couples,
7 families, or groups.
- 8 (2) Instruction in all of the following:
- 9 (A) Diagnosis, assessment, prognosis, and treatment of mental
10 disorders, including severe mental disorders, evidence-based
11 practices, psychological testing, psychopharmacology, and
12 promising mental health practices that are evaluated in peer
13 reviewed literature.
- 14 (B) Developmental issues from infancy to old age, including
15 instruction in all of the following areas:
- 16 (i) The effects of developmental issues on individuals, couples,
17 and family relationships.
- 18 (ii) The psychological, psychotherapeutic, and health
19 implications of developmental issues and their effects.
- 20 (iii) Aging and its biological, social, cognitive, and
21 psychological aspects.
- 22 (iv) A variety of cultural understandings of human development.
- 23 (v) The understanding of human behavior within the social
24 context of socioeconomic status and other contextual issues
25 affecting social position.
- 26 (vi) The understanding of human behavior within the social
27 context of a representative variety of the cultures found within
28 California.
- 29 (vii) The understanding of the impact that personal and social
30 insecurity, social stress, low educational levels, inadequate housing,
31 and malnutrition have on human development.
- 32 (C) The broad range of matters and life events that may arise
33 within marriage and family relationships and within a variety of
34 California cultures, including instruction in all of the following:
- 35 (i) Child and adult abuse assessment and reporting.
- 36 (ii) Spousal or partner abuse assessment, detection, intervention
37 strategies, and same-gender abuse dynamics.
- 38 (iii) Cultural factors relevant to abuse of partners and family
39 members.
- 40 (iv) Childbirth, child rearing, parenting, and stepparenting.

1 (v) Marriage, divorce, and blended families.

2 (vi) Long-term care.

3 (vii) End of life and grief.

4 (viii) Poverty and deprivation.

5 (ix) Financial and social stress.

6 (x) Effects of trauma.

7 (xi) The psychological, psychotherapeutic, community, and
8 health implications of the matters and life events described in
9 clauses (i) to (x), inclusive.

10 (D) Cultural competency and sensitivity, including a familiarity
11 with the racial, cultural, linguistic, and ethnic backgrounds of
12 persons living in California.

13 (E) Multicultural development and cross-cultural interaction,
14 including experiences of race, ethnicity, class, spirituality, sexual
15 orientation, gender, and disability, and their incorporation into the
16 psychotherapeutic process.

17 (F) The effects of socioeconomic status on treatment and
18 available resources.

19 (G) Resilience, including the personal and community qualities
20 that enable persons to cope with adversity, trauma, tragedy, threats,
21 or other stresses.

22 (H) Human sexuality, including the study of physiological,
23 psychological, and social cultural variables associated with sexual
24 behavior and gender identity, and the assessment and treatment of
25 psychosexual dysfunction.

26 (I) Substance use disorders, co-occurring disorders, and
27 addiction, including, but not limited to, instruction in all of the
28 following:

29 (i) The definition of substance use disorders, co-occurring
30 disorders, and addiction. For purposes of this subparagraph,
31 “co-occurring disorders” means a mental illness and substance
32 abuse diagnosis occurring simultaneously in an individual.

33 (ii) Medical aspects of substance use disorders and co-occurring
34 disorders.

35 (iii) The effects of psychoactive drug use.

36 (iv) Current theories of the etiology of substance abuse and
37 addiction.

38 (v) The role of persons and systems that support or compound
39 substance abuse and addiction.

- 1 (vi) Major approaches to identification, evaluation, and treatment
- 2 of substance use disorders, co-occurring disorders, and addiction,
- 3 including, but not limited to, best practices.
- 4 (vii) Legal aspects of substance abuse.
- 5 (viii) Populations at risk with regard to substance use disorders
- 6 and co-occurring disorders.
- 7 (ix) Community resources offering screening, assessment,
- 8 treatment, and followup for the affected person and family.
- 9 (x) Recognition of substance use disorders, co-occurring
- 10 disorders, and addiction, and appropriate referral.
- 11 (xi) The prevention of substance use disorders and addiction.
- 12 (J) California law and professional ethics for marriage and
- 13 family therapists, including instruction in all of the following areas
- 14 of study:
- 15 (i) Contemporary professional ethics and statutory, regulatory,
- 16 and decisional laws that delineate the scope of practice of marriage
- 17 and family therapy.
- 18 (ii) The therapeutic, clinical, and practical considerations
- 19 involved in the legal and ethical practice of marriage and family
- 20 therapy, including, but not limited to, family law.
- 21 (iii) The current legal patterns and trends in the mental health
- 22 professions.
- 23 (iv) The psychotherapist-patient privilege, confidentiality, the
- 24 patient dangerous to self or others, and the treatment of minors
- 25 with and without parental consent.
- 26 (v) A recognition and exploration of the relationship between
- 27 a practitioner's sense of self and human values and his or her
- 28 professional behavior and ethics.
- 29 (vi) Differences in legal and ethical standards for different types
- 30 of work settings.
- 31 (vii) Licensing law and licensing process.
- 32 (e) The degree described in subdivision (b) shall, in addition to
- 33 meeting the requirements of subdivision (d), include instruction
- 34 in case management, systems of care for the severely mentally ill,
- 35 public and private services and supports available for the severely
- 36 mentally ill, community resources for persons with mental illness
- 37 and for victims of abuse, disaster and trauma response, advocacy
- 38 for the severely mentally ill, and collaborative treatment. This
- 39 instruction may be provided either in credit level coursework or

1 through extension programs offered by the degree-granting
2 institution.

3 (f) The changes made to law by this section are intended to
4 improve the educational qualifications for licensure in order to
5 better prepare future licentiates for practice, and are not intended
6 to expand or restrict the scope of practice for marriage and family
7 therapists.

8 SEC. 24. Section 4980.37 of the Business and Professions
9 Code is amended to read:

10 4980.37. (a) This section shall apply to applicants for licensure
11 or registration who begin graduate study before August 1, 2012,
12 and complete that study on or before December 31, 2018. Those
13 applicants may alternatively qualify under paragraph (2) of
14 subdivision (a) of Section 4980.36.

15 (b) To qualify for a license or registration, applicants shall
16 possess a doctor's or master's degree in marriage, family, and child
17 counseling, marriage and family therapy, couple and family
18 therapy, psychology, clinical psychology, counseling psychology,
19 or counseling with an emphasis in either marriage, family, and
20 child counseling or marriage and family therapy, obtained from a
21 school, college, or university accredited by a regional accrediting
22 agency recognized by the United States Department of Education
23 or approved by the Bureau for Private Postsecondary Education.
24 The board has the authority to make the final determination as to
25 whether a degree meets all requirements, including, but not limited
26 to, course requirements, regardless of accreditation or approval.
27 In order to qualify for licensure pursuant to this section, a doctor's
28 or master's degree program shall be a single, integrated program
29 primarily designed to train marriage and family therapists and shall
30 contain no less than 48 semester or 72 quarter units of instruction.
31 This instruction shall include no less than 12 semester units or 18
32 quarter units of coursework in the areas of marriage, family, and
33 child counseling, and marital and family systems approaches to
34 treatment. The coursework shall include all of the following areas:

35 (1) The salient theories of a variety of psychotherapeutic
36 orientations directly related to marriage and family therapy, and
37 marital and family systems approaches to treatment.

38 (2) Theories of marriage and family therapy and how they can
39 be utilized in order to intervene therapeutically with couples,
40 families, adults, children, and groups.

(3) Developmental issues and life events from infancy to old age and their effect on individuals, couples, and family relationships. This may include coursework that focuses on specific family life events and the psychological, psychotherapeutic, and health implications that arise within couples and families, including, but not limited to, childbirth, child rearing, childhood, adolescence, adulthood, marriage, divorce, blended families, stepparenting, abuse and neglect of older and dependent adults, and geropsychology.

(4) A variety of approaches to the treatment of children.

The board shall, by regulation, set forth the subjects of instruction required in this subdivision.

(c) (1) In addition to the 12 semester or 18 quarter units of coursework specified in subdivision (b), the doctor's or master's degree program shall contain not less than six semester or nine quarter units of supervised practicum in applied psychotherapeutic technique, assessments, diagnosis, prognosis, and treatment of premarital, couple, family, and child relationships, including dysfunctions, healthy functioning, health promotion, and illness prevention, in a supervised clinical placement that provides supervised fieldwork experience within the scope of practice of a marriage and family therapist.

(2) For applicants who enrolled in a degree program on or after January 1, 1995, the practicum shall include a minimum of 150 hours of face-to-face experience counseling individuals, couples, families, or groups.

(3) The practicum hours shall be considered as part of the 48 semester or 72 quarter unit requirement.

(d) As an alternative to meeting the qualifications specified in subdivision (b), the board shall accept as equivalent degrees those master's or doctor's degrees granted by educational institutions whose degree program is approved by the Commission on Accreditation for Marriage and Family Therapy Education.

(e) In order to provide an integrated course of study and appropriate professional training, while allowing for innovation and individuality in the education of marriage and family therapists, a degree program that meets the educational qualifications for licensure or registration under this section shall do all of the following:

1 (1) Provide an integrated course of study that trains students
2 generally in the diagnosis, assessment, prognosis, and treatment
3 of mental disorders.

4 (2) Prepare students to be familiar with the broad range of
5 matters that may arise within marriage and family relationships.

6 (3) Train students specifically in the application of marriage
7 and family relationship counseling principles and methods.

8 (4) Encourage students to develop those personal qualities that
9 are intimately related to the counseling situation such as integrity,
10 sensitivity, flexibility, insight, compassion, and personal presence.

11 (5) Teach students a variety of effective psychotherapeutic
12 techniques and modalities that may be utilized to improve, restore,
13 or maintain healthy individual, couple, and family relationships.

14 (6) Permit an emphasis or specialization that may address any
15 one or more of the unique and complex array of human problems,
16 symptoms, and needs of Californians served by marriage and
17 family therapists.

18 (7) Prepare students to be familiar with cross-cultural mores
19 and values, including a familiarity with the wide range of racial
20 and ethnic backgrounds common among California's population,
21 including, but not limited to, Blacks, Hispanics, Asians, and Native
22 Americans.

23 (f) Educational institutions are encouraged to design the
24 practicum required by this section to include marriage and family
25 therapy experience in low-income and multicultural mental health
26 settings.

27 (g) This section shall remain in effect only until January 1, 2019,
28 and as of that date is repealed, unless a later enacted statute, that
29 is enacted before January 1, 2019, deletes or extends that date.

30 SEC. 25. Section 4980.40.5 of the Business and Professions
31 Code is amended to read:

32 4980.40.5. (a) A doctoral or master's degree in marriage,
33 family, and child counseling, marital and family therapy, couple
34 and family therapy, psychology, clinical psychology, counseling
35 psychology, or counseling with an emphasis in either marriage,
36 family, and child counseling, or marriage and family therapy,
37 obtained from a school, college, or university approved by the
38 Bureau for Private Postsecondary Education as of June 30, 2007,
39 shall be considered by the board to meet the requirements necessary
40 for licensure as a marriage and family therapist and for registration

1 as a marriage and family therapist intern provided that the degree
2 is conferred on or before July 1, 2010.

3 (b) As an alternative to meeting the qualifications specified in
4 subdivision (a) of Section 4980.40, the board shall accept as
5 equivalent degrees those doctoral or master's degrees that otherwise
6 meet the requirements of this chapter and are conferred by
7 educational institutions accredited by any of the following
8 associations:

9 (1) Northwest Commission on Colleges and Universities.

10 (2) Middle States Association of Colleges and Secondary
11 Schools.

12 (3) New England Association of Schools and Colleges.

13 (4) North Central Association of Colleges and Secondary
14 Schools.

15 (5) Southern Association of Colleges and Schools.

16 SEC. 26. Section 4980.42 of the Business and Professions
17 Code is amended to read:

18 4980.42. (a) Trainees performing services in any work setting
19 specified in subdivision (d) of Section 4980.43 may perform those
20 activities and services as a trainee, provided that the activities and
21 services constitute part of the trainee's supervised course of study
22 and that the person is designated by the title "trainee." Trainees
23 may gain hours of experience outside the required practicum. Those
24 hours shall be subject to the requirements of subdivision (b) and
25 to the other requirements of this chapter.

26 (b) On and after January 1, 1995, all hours of experience gained
27 as a trainee shall be coordinated between the school and the site
28 where the hours are being accrued. The school shall approve each
29 site and shall have a written agreement with each site that details
30 each party's responsibilities, including the methods by which
31 supervision shall be provided. The agreement shall provide for
32 regular progress reports and evaluations of the student's
33 performance at the site. If an applicant has gained hours of
34 experience while enrolled in an institution other than the one that
35 confers the qualifying degree, it shall be the applicant's
36 responsibility to provide to the board satisfactory evidence that
37 those hours of trainee experience were gained in compliance with
38 this section.

39 SEC. 27. Section 4980.45 of the Business and Professions
40 Code is amended to read:

1 4980.45. (a) A licensed professional in private practice who
2 has satisfied the requirements of subdivision (g) of Section 4980.03
3 may supervise or employ, at any one time, no more than a total of
4 three individuals registered as a marriage and family therapist
5 intern, clinical counselor intern, or associate clinical social worker
6 in that private practice.

7 (b) A marriage and family therapy corporation may employ, at
8 any one time, no more than a total of three individuals registered
9 as a marriage and family therapist intern, clinical counselor intern,
10 or associate clinical social worker for each employee or shareholder
11 who has satisfied the requirements of subdivision (g) of Section
12 4980.03. In no event shall any marriage and family therapy
13 corporation employ, at any one time, more than a total of 15
14 individuals registered as a marriage and family therapist intern,
15 clinical counselor intern, or associate clinical social worker. In no
16 event shall any supervisor supervise, at any one time, more than
17 a total of three individuals registered as either a marriage and
18 family therapist intern, clinical counselor intern, or associate
19 clinical social worker. Persons who supervise individuals registered
20 as either a marriage and family therapist intern or associate clinical
21 social worker shall be employed full time by the marriage and
22 family therapy corporation and shall be actively engaged in
23 performing professional services at and for the marriage and family
24 therapy corporation. Employment and supervision within a
25 marriage and family therapy corporation shall be subject to all
26 laws and regulations governing experience and supervision gained
27 in a private practice setting.

28 SEC. 28. Section 4982.25 of the Business and Professions
29 Code is amended to read:

30 4982.25. The board may deny an application, or may suspend
31 or revoke a license or registration issued under this chapter, for
32 any of the following:

33 (a) Denial of licensure, revocation, suspension, restriction, or
34 any other disciplinary action imposed by another state or territory
35 or possession of the United States, or by any other governmental
36 agency, on a license, certificate, or registration to practice marriage
37 and family therapy, or any other healing art, shall constitute
38 unprofessional conduct. A certified copy of the disciplinary action
39 decision or judgment shall be conclusive evidence of that action.

(b) Revocation, suspension, or restriction by the board of a license, certificate, or registration to practice as a marriage and family therapist, clinical social worker, professional clinical counselor, or educational psychologist shall also constitute grounds for disciplinary action for unprofessional conduct against the licensee or registrant under this chapter.

SEC. 29. Section 4989.54 of the Business and Professions Code is amended to read:

4989.54. The board may deny a license or may suspend or revoke the license of a licensee if he or she has been guilty of unprofessional conduct. Unprofessional conduct includes, but is not limited to, the following:

(a) Conviction of a crime substantially related to the qualifications, functions, and duties of an educational psychologist.

(1) The record of conviction shall be conclusive evidence only of the fact that the conviction occurred.

(2) The board may inquire into the circumstances surrounding the commission of the crime in order to fix the degree of discipline or to determine if the conviction is substantially related to the qualifications, functions, or duties of a licensee under this chapter.

(3) A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a charge substantially related to the qualifications, functions, or duties of a licensee under this chapter shall be deemed to be a conviction within the meaning of this section.

(4) The board may order a license suspended or revoked, or may decline to issue a license when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of the Penal Code allowing the person to withdraw a plea of guilty and enter a plea of not guilty or setting aside the verdict of guilty or dismissing the accusation, information, or indictment.

(b) Securing a license by fraud, deceit, or misrepresentation on an application for licensure submitted to the board, whether engaged in by an applicant for a license or by a licensee in support of an application for licensure.

(c) Administering to himself or herself a controlled substance or using any of the dangerous drugs specified in Section 4022 or

1 an alcoholic beverage to the extent, or in a manner, as to be
2 dangerous or injurious to himself or herself or to any other person
3 or to the public or to the extent that the use impairs his or her ability
4 to safely perform the functions authorized by the license. The board
5 shall deny an application for a license or revoke the license of any
6 person, other than one who is licensed as a physician and surgeon,
7 who uses or offers to use drugs in the course of performing
8 educational psychology.

9 (d) Failure to comply with the consent provisions in Section
10 2290.5.

11 (e) Advertising in a manner that is false, fraudulent, misleading,
12 or deceptive, as defined in Section 651.

13 (f) Violating, attempting to violate, or conspiring to violate any
14 of the provisions of this chapter or any regulation adopted by the
15 board.

16 (g) Commission of any dishonest, corrupt, or fraudulent act
17 substantially related to the qualifications, functions, or duties of a
18 licensee.

19 (h) Denial of licensure, revocation, suspension, restriction, or
20 any other disciplinary action imposed by another state or territory
21 or possession of the United States or by any other governmental
22 agency, on a license, certificate, or registration to practice
23 educational psychology or any other healing art. A certified copy
24 of the disciplinary action, decision, or judgment shall be conclusive
25 evidence of that action.

26 (i) Revocation, suspension, or restriction by the board of a
27 license, certificate, or registration to practice as an educational
28 psychologist, a clinical social worker, professional clinical
29 counselor, or marriage and family therapist.

30 (j) Failure to keep records consistent with sound clinical
31 judgment, the standards of the profession, and the nature of the
32 services being rendered.

33 (k) Gross negligence or incompetence in the practice of
34 educational psychology.

35 (l) Misrepresentation as to the type or status of a license held
36 by the licensee or otherwise misrepresenting or permitting
37 misrepresentation of his or her education, professional
38 qualifications, or professional affiliations to any person or entity.

39 (m) Intentionally or recklessly causing physical or emotional
40 harm to any client.

1 (n) Engaging in sexual relations with a client or a former client
2 within two years following termination of professional services,
3 soliciting sexual relations with a client, or committing an act of
4 sexual abuse or sexual misconduct with a client or committing an
5 act punishable as a sexually related crime, if that act or solicitation
6 is substantially related to the qualifications, functions, or duties of
7 a licensed educational psychologist.

8 (o) Prior to the commencement of treatment, failing to disclose
9 to the client or prospective client the fee to be charged for the
10 professional services or the basis upon which that fee will be
11 computed.

12 (p) Paying, accepting, or soliciting any consideration,
13 compensation, or remuneration, whether monetary or otherwise,
14 for the referral of professional clients.

15 (q) Failing to maintain confidentiality, except as otherwise
16 required or permitted by law, of all information that has been
17 received from a client in confidence during the course of treatment
18 and all information about the client that is obtained from tests or
19 other means.

20 (r) Performing, holding himself or herself out as being able to
21 perform, or offering to perform any professional services beyond
22 the scope of the license authorized by this chapter or beyond his
23 or her field or fields of competence as established by his or her
24 education, training, or experience.

25 (s) Reproducing or describing in public, or in any publication
26 subject to general public distribution, any psychological test or
27 other assessment device the value of which depends in whole or
28 in part on the naivete of the subject in ways that might invalidate
29 the test or device. An educational psychologist shall limit access
30 to the test or device to persons with professional interests who can
31 be expected to safeguard its use.

32 (t) Aiding or abetting an unlicensed person to engage in conduct
33 requiring a license under this chapter.

34 (u) When employed by another person or agency, encouraging,
35 either orally or in writing, the employer's or agency's clientele to
36 utilize his or her private practice for further counseling without
37 the approval of the employing agency or administration.

38 (v) Failing to comply with the child abuse reporting
39 requirements of Section 11166 of the Penal Code.

1 (w) Failing to comply with the elder and adult dependent abuse
2 reporting requirements of Section 15630 of the Welfare and
3 Institutions Code.

4 (x) Willful violation of Chapter 1 (commencing with Section
5 123100) of Part 1 of Division 106 of the Health and Safety Code.

6 (y) (1) Engaging in an act described in Section 261, 286, 288a,
7 or 289 of the Penal Code with a minor or an act described in
8 Section 288 or 288.5 of the Penal Code regardless of whether the
9 act occurred prior to or after the time the registration or license
10 was issued by the board. An act described in this subdivision
11 occurring prior to the effective date of this subdivision shall
12 constitute unprofessional conduct and shall subject the licensee to
13 refusal, suspension, or revocation of a license under this section.

14 (2) The Legislature hereby finds and declares that protection of
15 the public, and in particular minors, from sexual misconduct by a
16 licensee is a compelling governmental interest, and that the ability
17 to suspend or revoke a license for sexual conduct with a minor
18 occurring prior to the effective date of this section is equally
19 important to protecting the public as is the ability to refuse a license
20 for sexual conduct with a minor occurring prior to the effective
21 date of this section.

22 (z) Engaging in any conduct that subverts or attempts to subvert
23 any licensing examination or the administration of the examination
24 as described in Section 123.

25 (aa) Impersonation of another by any licensee or applicant for
26 a license, or, in the case of a licensee, allowing any other person
27 to use his or her license.

28 (ab) Permitting a person under his or her supervision or control
29 to perform, or permitting that person to hold himself or herself out
30 as competent to perform, professional services beyond the level
31 of education, training, or experience of that person.

32 SEC. 30. Section 4990.38 of the Business and Professions
33 Code is amended to read:

34 4990.38. The board may deny an application or may suspend
35 or revoke a license or registration issued under the chapters it
36 administers and enforces for any disciplinary action imposed by
37 this state or another state or territory or possession of the United
38 States, or by a governmental agency on a license, certificate or
39 registration to practice marriage and family therapy, clinical social
40 work, educational psychology, professional clinical counseling,

1 or any other healing art. The disciplinary action, which may include
2 denial of licensure or revocation or suspension of the license or
3 imposition of restrictions on it, constitutes unprofessional conduct.
4 A certified copy of the disciplinary action decision or judgment
5 shall be conclusive evidence of that action.

6 SEC. 31. Section 4992.3 of the Business and Professions Code
7 is amended to read:

8 4992.3. The board may deny a license or a registration, or may
9 suspend or revoke the license or registration of a licensee or
10 registrant if he or she has been guilty of unprofessional conduct.
11 Unprofessional conduct includes, but is not limited to, the
12 following:

13 (a) The conviction of a crime substantially related to the
14 qualifications, functions, or duties of a licensee or registrant under
15 this chapter. The record of conviction shall be conclusive evidence
16 only of the fact that the conviction occurred. The board may inquire
17 into the circumstances surrounding the commission of the crime
18 in order to fix the degree of discipline or to determine if the
19 conviction is substantially related to the qualifications, functions,
20 or duties of a licensee or registrant under this chapter. A plea or
21 verdict of guilty or a conviction following a plea of nolo contendere
22 made to a charge substantially related to the qualifications,
23 functions, or duties of a licensee or registrant under this chapter
24 is a conviction within the meaning of this section. The board may
25 order any license or registration suspended or revoked, or may
26 decline to issue a license or registration when the time for appeal
27 has elapsed, or the judgment of conviction has been affirmed on
28 appeal, or, when an order granting probation is made suspending
29 the imposition of sentence, irrespective of a subsequent order under
30 Section 1203.4 of the Penal Code allowing the person to withdraw
31 a plea of guilty and enter a plea of not guilty, or setting aside the
32 verdict of guilty, or dismissing the accusation, information, or
33 indictment.

34 (b) Securing a license or registration by fraud, deceit, or
35 misrepresentation on any application for licensure or registration
36 submitted to the board, whether engaged in by an applicant for a
37 license or registration, or by a licensee in support of any application
38 for licensure or registration.

39 (c) Administering to himself or herself any controlled substance
40 or using any of the dangerous drugs specified in Section 4022 or

1 any alcoholic beverage to the extent, or in a manner, as to be
2 dangerous or injurious to the person applying for a registration or
3 license or holding a registration or license under this chapter, or
4 to any other person, or to the public, or, to the extent that the use
5 impairs the ability of the person applying for or holding a
6 registration or license to conduct with safety to the public the
7 practice authorized by the registration or license. The board shall
8 deny an application for a registration or license or revoke the
9 license or registration of any person who uses or offers to use drugs
10 in the course of performing clinical social work. This provision
11 does not apply to any person also licensed as a physician and
12 surgeon under Chapter 5 (commencing with Section 2000) or the
13 Osteopathic Act who lawfully prescribes drugs to a patient under
14 his or her care.

15 (d) Incompetence in the performance of clinical social work.

16 (e) An act or omission that falls sufficiently below the standard
17 of conduct of the profession as to constitute an act of gross
18 negligence.

19 (f) Violating, attempting to violate, or conspiring to violate this
20 chapter or any regulation adopted by the board.

21 (g) Misrepresentation as to the type or status of a license or
22 registration held by the person, or otherwise misrepresenting or
23 permitting misrepresentation of his or her education, professional
24 qualifications, or professional affiliations to any person or entity.
25 For purposes of this subdivision, this misrepresentation includes,
26 but is not limited to, misrepresentation of the person's
27 qualifications as an adoption service provider pursuant to Section
28 8502 of the Family Code.

29 (h) Impersonation of another by any licensee, registrant, or
30 applicant for a license or registration, or, in the case of a licensee,
31 allowing any other person to use his or her license or registration.

32 (i) Aiding or abetting any unlicensed or unregistered person to
33 engage in conduct for which a license or registration is required
34 under this chapter.

35 (j) Intentionally or recklessly causing physical or emotional
36 harm to any client.

37 (k) The commission of any dishonest, corrupt, or fraudulent act
38 substantially related to the qualifications, functions, or duties of a
39 licensee or registrant.

1 (l) Engaging in sexual relations with a client or with a former
2 client within two years from the termination date of therapy with
3 the client, soliciting sexual relations with a client, or committing
4 an act of sexual abuse, or sexual misconduct with a client, or
5 committing an act punishable as a sexually related crime, if that
6 act or solicitation is substantially related to the qualifications,
7 functions, or duties of a clinical social worker.

8 (m) Performing, or holding one's self out as being able to
9 perform, or offering to perform or permitting, any registered
10 associate clinical social worker or intern under supervision to
11 perform any professional services beyond the scope of one's
12 competence, as established by one's education, training, or
13 experience. This subdivision shall not be construed to expand the
14 scope of the license authorized by this chapter.

15 (n) Failure to maintain confidentiality, except as otherwise
16 required or permitted by law, of all information that has been
17 received from a client in confidence during the course of treatment
18 and all information about the client that is obtained from tests or
19 other means.

20 (o) Prior to the commencement of treatment, failing to disclose
21 to the client or prospective client the fee to be charged for the
22 professional services, or the basis upon which that fee will be
23 computed.

24 (p) Paying, accepting, or soliciting any consideration,
25 compensation, or remuneration, whether monetary or otherwise,
26 for the referral of professional clients. All consideration,
27 compensation, or remuneration shall be in relation to professional
28 counseling services actually provided by the licensee. Nothing in
29 this subdivision shall prevent collaboration among two or more
30 licensees in a case or cases. However, no fee shall be charged for
31 that collaboration, except when disclosure of the fee has been made
32 in compliance with subdivision (o).

33 (q) Advertising in a manner that is false, fraudulent, misleading,
34 or deceptive, as defined in Section 651.

35 (r) Reproduction or description in public, or in any publication
36 subject to general public distribution, of any psychological test or
37 other assessment device, the value of which depends in whole or
38 in part on the naivete of the subject, in ways that might invalidate
39 the test or device. A licensee shall limit access to that test or device

1 to persons with professional interest who are expected to safeguard
2 its use.

3 (s) Any conduct in the supervision of any registered associate
4 clinical social worker, intern, or trainee by any licensee that violates
5 this chapter or any rules or regulations adopted by the board.

6 (t) Failure to keep records consistent with sound clinical
7 judgment, the standards of the profession, and the nature of the
8 services being rendered.

9 (u) Failure to comply with the child abuse reporting
10 requirements of Section 11166 of the Penal Code.

11 (v) Failure to comply with the elder and dependent adult abuse
12 reporting requirements of Section 15630 of the Welfare and
13 Institutions Code.

14 (w) Willful violation of Chapter 1 (commencing with Section
15 123100) of Part 1 of Division 106 of the Health and Safety Code.

16 (x) Failure to comply with Section 2290.5.

17 (y) (1) Engaging in an act described in Section 261, 286, 288a,
18 or 289 of the Penal Code with a minor or an act described in
19 Section 288 or 288.5 of the Penal Code regardless of whether the
20 act occurred prior to or after the time the registration or license
21 was issued by the board. An act described in this subdivision
22 occurring prior to the effective date of this subdivision shall
23 constitute unprofessional conduct and shall subject the licensee to
24 refusal, suspension, or revocation of a license under this section.

25 (2) The Legislature hereby finds and declares that protection of
26 the public, and in particular minors, from sexual misconduct by a
27 licensee is a compelling governmental interest, and that the ability
28 to suspend or revoke a license for sexual conduct with a minor
29 occurring prior to the effective date of this section is equally
30 important to protecting the public as is the ability to refuse a license
31 for sexual conduct with a minor occurring prior to the effective
32 date of this section.

33 (z) Engaging in any conduct that subverts or attempts to subvert
34 any licensing examination or the administration of the examination
35 as described in Section 123.

36 SEC. 32. Section 4992.36 of the Business and Professions
37 Code is amended to read:

38 4992.36. The board may deny an application, or may suspend
39 or revoke a license or registration issued under this chapter, for
40 any of the following:

(a) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action imposed by another state or territory of the United States, or by any other governmental agency, on a license, certificate, or registration to practice clinical social work or any other healing art shall constitute grounds for disciplinary action for unprofessional conduct. A certified copy of the disciplinary action decision or judgment shall be conclusive evidence of that action.

(b) Revocation, suspension, or restriction by the board of a license, certificate, or registration to practice clinical social work, marriage and family therapy, professional clinical counseling, or educational psychology against a licensee or registrant shall also constitute grounds for disciplinary action for unprofessional conduct under this chapter.

SEC. 33. Section 4996.13 of the Business and Professions Code is amended to read:

4996.13. Nothing in this article shall prevent qualified members of other professional groups from doing work of a psychosocial nature consistent with the standards and ethics of their respective professions. However, they shall not hold themselves out to the public by any title or description of services incorporating the words psychosocial, or clinical social worker, or that they shall not state or imply that they are licensed to practice clinical social work. These qualified members of other professional groups include, but are not limited to, the following:

(a) A physician and surgeon certified pursuant to Chapter 5 (commencing with Section 2000).

(b) A psychologist licensed pursuant to Chapter 6.6 (commencing with Section 2900).

(c) Members of the State Bar of California.

(d) Marriage and family therapists licensed pursuant to Chapter 13 (commencing with Section 4980).

(e) Licensed professional clinical counselors pursuant to Chapter 16 (commencing with Section 4999.10).

(f) A priest, rabbi, or minister of the gospel of any religious denomination.

SEC. 34. Section 4996.24 of the Business and Professions Code is amended to read:

4996.24. (a) A licensee in private practice who has satisfied the requirements of Section 1870 of Title 16 of the California Code

1 of Regulations may supervise or employ, at any one time, no more
2 than a total of three individuals registered as either a marriage and
3 family therapist intern, clinical counselor intern, or associate
4 clinical social worker in that private practice.

5 (b) A licensed clinical social workers' corporation may employ,
6 at any one time, no more than a total of three individuals registered
7 as either a marriage and family therapist intern, clinical counselor
8 intern, or associate clinical social worker for each employee or
9 shareholder who has satisfied the requirements of Section 1870 of
10 Title 16 of the California Code of Regulations.

11 (c) In no event shall any licensed clinical social workers'
12 corporation employ, at any one time, more than a total of 15
13 individuals registered as either a marriage and family therapist
14 intern, clinical counselor intern, or associate clinical social worker.
15 In no event shall any supervisor supervise, at any one time, more
16 than a total of three individuals registered as either a marriage and
17 family therapist intern, clinical counselor intern, or associate
18 clinical social worker. Persons who supervise individuals registered
19 as either a marriage and family therapist intern, clinical counselor
20 intern, or associate clinical social worker shall be employed full
21 time by the licensed clinical social workers' corporation and shall
22 be actively engaged in performing professional services at and for
23 the licensed clinical social workers' corporation. Employment and
24 supervision within the licensed clinical social workers' corporation
25 shall be subject to all laws and regulations governing experience
26 and supervision gained in a private practice setting.

27 SEC. 35. Section 4999.12 of the Business and Professions
28 Code is amended to read:

29 4999.12. For purposes of this chapter, the following terms have
30 the following meanings:

31 (a) "Board" means the Board of Behavioral Sciences.

32 (b) "Accredited" means a school, college, or university
33 accredited by the Western Association of Schools and Colleges,
34 or its equivalent regional accrediting association.

35 (c) "Approved" means a school, college, or university that
36 possessed unconditional approval by the Bureau for Private
37 Postsecondary Education at the time of the applicant's graduation
38 from the school, college, or university.

39 (d) "Applicant" means an unlicensed person who has completed
40 a master's or doctoral degree program, as specified in Section

1 4999.32 or 4999.33, as applicable, and whose application for
2 registration as an intern is pending or who has applied for
3 examination eligibility, or an unlicensed person who has completed
4 the requirements for licensure specified in this chapter and is no
5 longer registered with the board as an intern.

6 (e) “Licensed professional clinical counselor” or “LPCC” means
7 a person licensed under this chapter to practice professional clinical
8 counseling, as defined in Section 4999.20.

9 (f) “Intern” means an unlicensed person who meets the
10 requirements of Section 4999.42 and is registered with the board.

11 (g) “Clinical counselor trainee” means an unlicensed person
12 who is currently enrolled in a master’s or doctoral degree program,
13 as specified in Section 4999.32 or 4999.33, as applicable, that is
14 designed to qualify him or her for licensure under this chapter, and
15 who has completed no less than 12 semester units or 18 quarter
16 units of coursework in any qualifying degree program.

17 (h) “Approved supervisor” means an individual who meets the
18 following requirements:

19 (1) Has documented two years of clinical experience as a
20 licensed professional clinical counselor, licensed marriage and
21 family therapist, licensed clinical psychologist, licensed clinical
22 social worker, or licensed physician and surgeon who is certified
23 in psychiatry by the American Board of Psychiatry and Neurology.

24 (2) Has received professional training in supervision.

25 (3) Has not provided therapeutic services to the clinical
26 counselor trainee or intern.

27 (4) Has a current and valid license that is not under suspension
28 or probation.

29 (i) “Client centered advocacy” includes, but is not limited to,
30 researching, identifying, and accessing resources, or other activities,
31 related to obtaining or providing services and supports for clients
32 or groups of clients receiving psychotherapy or counseling services.

33 (j) “Advertising” or “advertise” includes, but is not limited to,
34 the issuance of any card, sign, or device to any person, or the
35 causing, permitting, or allowing of any sign or marking on, or in,
36 any building or structure, or in any newspaper or magazine or in
37 any directory, or any printed matter whatsoever, with or without
38 any limiting qualification. It also includes business solicitations
39 communicated by radio or television broadcasting. Signs within
40 church buildings or notices in church bulletins mailed to a

1 congregation shall not be construed as advertising within the
2 meaning of this chapter.

3 (k) “Referral” means evaluating and identifying the needs of a
4 client to determine whether it is advisable to refer the client to
5 other specialists, informing the client of that judgment, and
6 communicating that determination as requested or deemed
7 appropriate to referral sources.

8 (l) “Research” means a systematic effort to collect, analyze, and
9 interpret quantitative and qualitative data that describes how social
10 characteristics, behavior, emotion, cognitions, disabilities, mental
11 disorders, and interpersonal transactions among individuals and
12 organizations interact.

13 (m) “Supervision” includes the following:

14 (1) Ensuring that the extent, kind, and quality of counseling
15 performed is consistent with the education, training, and experience
16 of the person being supervised.

17 (2) Reviewing client or patient records, monitoring and
18 evaluating assessment, diagnosis, and treatment decisions of the
19 clinical counselor trainee.

20 (3) Monitoring and evaluating the ability of the intern or clinical
21 counselor trainee to provide services to the particular clientele at
22 the site or sites where he or she will be practicing.

23 (4) Ensuring compliance with laws and regulations governing
24 the practice of licensed professional clinical counseling.

25 (5) That amount of direct observation, or review of audio or
26 videotapes of counseling or therapy, as deemed appropriate by the
27 supervisor.

28 SEC. 36. Section 4999.90 of the Business and Professions
29 Code is amended to read:

30 4999.90. The board may refuse to issue any registration or
31 license, or may suspend or revoke the registration or license of
32 any intern or licensed professional clinical counselor, if the
33 applicant, licensee, or registrant has been guilty of unprofessional
34 conduct. Unprofessional conduct includes, but is not limited to,
35 the following:

36 (a) The conviction of a crime substantially related to the
37 qualifications, functions, or duties of a licensee or registrant under
38 this chapter. The record of conviction shall be conclusive evidence
39 only of the fact that the conviction occurred. The board may inquire
40 into the circumstances surrounding the commission of the crime

1 in order to fix the degree of discipline or to determine if the
2 conviction is substantially related to the qualifications, functions,
3 or duties of a licensee or registrant under this chapter. A plea or
4 verdict of guilty or a conviction following a plea of nolo contendere
5 made to a charge substantially related to the qualifications,
6 functions, or duties of a licensee or registrant under this chapter
7 shall be deemed to be a conviction within the meaning of this
8 section. The board may order any license or registration suspended
9 or revoked, or may decline to issue a license or registration when
10 the time for appeal has elapsed, or the judgment of conviction has
11 been affirmed on appeal, or, when an order granting probation is
12 made suspending the imposition of sentence, irrespective of a
13 subsequent order under Section 1203.4 of the Penal Code allowing
14 the person to withdraw a plea of guilty and enter a plea of not
15 guilty, or setting aside the verdict of guilty, or dismissing the
16 accusation, information, or indictment.

17 (b) Securing a license or registration by fraud, deceit, or
18 misrepresentation on any application for licensure or registration
19 submitted to the board, whether engaged in by an applicant for a
20 license or registration, or by a licensee in support of any application
21 for licensure or registration.

22 (c) Administering to himself or herself any controlled substance
23 or using any of the dangerous drugs specified in Section 4022, or
24 any alcoholic beverage to the extent, or in a manner, as to be
25 dangerous or injurious to the person applying for a registration or
26 license or holding a registration or license under this chapter, or
27 to any other person, or to the public, or, to the extent that the use
28 impairs the ability of the person applying for or holding a
29 registration or license to conduct with safety to the public the
30 practice authorized by the registration or license, or the conviction
31 of more than one misdemeanor or any felony involving the use,
32 consumption, or self-administration of any of the substances
33 referred to in this subdivision, or any combination thereof. The
34 board shall deny an application for a registration or license or
35 revoke the license or registration of any person, other than one
36 who is licensed as a physician and surgeon, who uses or offers to
37 use drugs in the course of performing licensed professional clinical
38 counseling services.

39 (d) Gross negligence or incompetence in the performance of
40 licensed professional clinical counseling services.

1 (e) Violating, attempting to violate, or conspiring to violate any
2 of the provisions of this chapter or any regulation adopted by the
3 board.

4 (f) Misrepresentation as to the type or status of a license or
5 registration held by the person, or otherwise misrepresenting or
6 permitting misrepresentation of his or her education, professional
7 qualifications, or professional affiliations to any person or entity.

8 (g) Impersonation of another by any licensee, registrant, or
9 applicant for a license or registration, or, in the case of a licensee
10 or registrant, allowing any other person to use his or her license
11 or registration.

12 (h) Aiding or abetting, or employing, directly or indirectly, any
13 unlicensed or unregistered person to engage in conduct for which
14 a license or registration is required under this chapter.

15 (i) Intentionally or recklessly causing physical or emotional
16 harm to any client.

17 (j) The commission of any dishonest, corrupt, or fraudulent act
18 substantially related to the qualifications, functions, or duties of a
19 licensee or registrant.

20 (k) Engaging in sexual relations with a client, or a former client
21 within two years following termination of therapy, soliciting sexual
22 relations with a client, or committing an act of sexual abuse, or
23 sexual misconduct with a client, or committing an act punishable
24 as a sexually related crime, if that act or solicitation is substantially
25 related to the qualifications, functions, or duties of a licensed
26 professional clinical counselor.

27 (l) Performing, or holding oneself out as being able to perform,
28 or offering to perform, or permitting any clinical counselor trainee
29 or intern under supervision to perform, any professional services
30 beyond the scope of the license authorized by this chapter.

31 (m) Failure to maintain confidentiality, except as otherwise
32 required or permitted by law, of all information that has been
33 received from a client in confidence during the course of treatment
34 and all information about the client which is obtained from tests
35 or other means.

36 (n) Prior to the commencement of treatment, failing to disclose
37 to the client or prospective client the fee to be charged for the
38 professional services, or the basis upon which that fee will be
39 computed.

(o) Paying, accepting, or soliciting any consideration, compensation, or remuneration, whether monetary or otherwise, for the referral of professional clients. All consideration, compensation, or remuneration shall be in relation to professional clinical counseling services actually provided by the licensee. Nothing in this subdivision shall prevent collaboration among two or more licensees in a case or cases. However, no fee shall be charged for that collaboration, except when disclosure of the fee has been made in compliance with subdivision (n).

(p) Advertising in a manner that is false, fraudulent, misleading, or deceptive, as defined in Section 651.

(q) Reproduction or description in public, or in any publication subject to general public distribution, of any psychological test or other assessment device, the value of which depends in whole or in part on the naivete of the subject, in ways that might invalidate the test or device.

(r) Any conduct in the supervision of a registered intern, associate clinical social worker, or clinical counselor trainee by any licensee that violates this chapter or any rules or regulations adopted by the board.

(s) Performing or holding oneself out as being able to perform professional services beyond the scope of one's competence, as established by one's education, training, or experience. This subdivision shall not be construed to expand the scope of the license authorized by this chapter.

(t) Permitting a clinical counselor trainee or intern under one's supervision or control to perform, or permitting the clinical counselor trainee or intern to hold himself or herself out as competent to perform, professional services beyond the clinical counselor trainee's or intern's level of education, training, or experience.

(u) The violation of any statute or regulation of the standards of the profession, and the nature of the services being rendered, governing the gaining and supervision of experience required by this chapter.

(v) Failure to keep records consistent with sound clinical judgment, the standards of the profession, and the nature of the services being rendered.

(w) Failure to comply with the child abuse reporting requirements of Section 11166 of the Penal Code.

1 (x) Failing to comply with the elder and dependent adult abuse
2 reporting requirements of Section 15630 of the Welfare and
3 Institutions Code.

4 (y) Repeated acts of negligence.

5 (z) (1) Engaging in an act described in Section 261, 286, 288a,
6 or 289 of the Penal Code with a minor or an act described in
7 Section 288 or 288.5 of the Penal Code regardless of whether the
8 act occurred prior to or after the time the registration or license
9 was issued by the board. An act described in this subdivision
10 occurring prior to the effective date of this subdivision shall
11 constitute unprofessional conduct and shall subject the licensee to
12 refusal, suspension, or revocation of a license under this section.

13 (2) The Legislature hereby finds and declares that protection of
14 the public, and in particular minors, from sexual misconduct by a
15 licensee is a compelling governmental interest, and that the ability
16 to suspend or revoke a license for sexual conduct with a minor
17 occurring prior to the effective date of this section is equally
18 important to protecting the public as is the ability to refuse a license
19 for sexual conduct with a minor occurring prior to the effective
20 date of this section.

21 (aa) Engaging in any conduct that subverts or attempts to subvert
22 any licensing examination or the administration of an examination
23 as described in Section 123.

24 (ab) Revocation, suspension, or restriction by the board of a
25 license, certificate, or registration to practice as a professional
26 clinical counselor, clinical social worker, educational psychologist,
27 or marriage and family therapist.

28 (ac) Failing to comply with the procedures set forth in Section
29 2290.5 when delivering health care via telemedicine.

30 SEC. 37. Section 4999.91 is added to the Business and
31 Professions Code, to read:

32 4999.91. The board may deny any application, or may suspend
33 or revoke any license or registration issued under this chapter, for
34 any of the following:

35 (a) Denial of licensure, revocation, suspension, restriction, or
36 any other disciplinary action imposed by this state or another state
37 or territory of the United States, or by any other governmental
38 agency, on a license, certificate, or registration to practice
39 professional clinical counseling or any other healing art shall
40 constitute grounds for disciplinary action for unprofessional

1 conduct. A certified copy of the disciplinary action decision or
2 judgment shall be conclusive evidence of that action.

3 (b) Revocation, suspension, or restriction by the board of a
4 license, certificate, or registration to practice clinical counseling,
5 clinical social work, professional clinical counseling, marriage
6 and family therapy, or educational psychology shall also constitute
7 grounds for disciplinary action for unprofessional conduct under
8 this chapter.

9 SEC. 38. Section 4999.455 is added to the Business and
10 Professions Code, to read:

11 4999.455. (a) A licensed professional in private practice who
12 has satisfied the requirements of subdivision (h) of Section 4999.12
13 may supervise or employ, at any one time, no more than a total of
14 three individuals registered as a marriage and family therapist
15 intern, clinical counselor intern, or associate clinical social worker
16 in that private practice.

17 (b) A professional clinical counselor corporation may employ,
18 at any one time, no more than three individuals registered as a
19 marriage and family therapist intern, clinical counselor intern, or
20 associate clinical social worker for each employee or shareholder
21 who has satisfied the requirements of subdivision (h) of Section
22 4999.12. In no event shall any professional clinical counselor
23 corporation employ, at any one time, more than 15 individuals
24 registered as a marriage and family therapist intern, clinical
25 counselor intern, or associate clinical social worker. In no event
26 shall any supervisor supervise, at any one time, more than three
27 individuals registered as a marriage and family therapist intern,
28 clinical counselor intern, or associate clinical social worker.
29 Persons who supervise individuals registered as a marriage and
30 family therapist intern, clinical counselor intern, or associate
31 clinical social worker shall be employed full time by the
32 professional clinical counselor corporation and shall be actively
33 engaged in performing professional services at and for the
34 professional clinical counselor corporation. Employment and
35 supervision within a professional clinical counselor corporation
36 shall be subject to all laws and regulations governing experience
37 and supervision gained in a private practice setting.

38 SEC. 39. No reimbursement is required by this act pursuant to
39 Section 6 of Article XIII B of the California Constitution because
40 the only costs that may be incurred by a local agency or school

1 district will be incurred because this act creates a new crime or
2 infraction, eliminates a crime or infraction, or changes the penalty
3 for a crime or infraction, within the meaning of Section 17556 of
4 the Government Code, or changes the definition of a crime within
5 the meaning of Section 6 of Article XIII B of the California
6 Constitution.

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